

REMARKS

In response to the Office Action mailed on December 1, 2006, Applicant(s) respectfully request(s) reconsideration. Claim(s) 1, 2, 7-9, 20, 22, 25 and 28-35 are now pending in this Application Claims 1, 20 and 25 are independent claims and the remaining claims are dependent claims.

In this Amendment, claim(s) 1, 20 and 25 have been amended and claims 37-39 have been added. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejection under 35 U.S.C. §112:

The Office Action rejects claims 1,2, 7-9, 20, 22, 25 and 28-35 under 35 U.S.C. §112. Accordingly, Claim 1 has been herein amended to recite "receiving a selection of" a network design, as disclosed at paragraph [0025], to further clarify the claimed invention. Configuration of settings, such as hardware and software switches, is also disclosed at paragraph [0027], which recites, in part a "configuration file that sets various logical or physical switches and jumpers for hardware and defines values of parameters for software." Paragraph [0028] goes on to clarify that the configuration includes unique virtual IP addresses to establish links between network components.

Similarly, paragraph [0025] clarifies Claim 2 by reciting that the network topology logic analyzes the received design to ensure cohesive operation, i.e. that the network operates as an interconnected whole. As is known in the art of network design, redundant network topology (e.g. star, ring, etc), discussed at [0024] effects such a failover capability such that the failure of any one node will continue to allow the network to function cohesively (i.e. as a whole) due to other redundant links or connections. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. 112 be withdrawn.

Rejection under 35 U.S.C. §103(a) based on Abboud (U.S. Pub. No. 2002/0184484) in view of Steitle (U.S. Pub. No. 2002/0188700):

The Office Action rejects Claims 1, 2, 7, 9, 20, 25, 28, 29 231 and 33 under 35 U.S.C. §103(a) based on Abboud (Abboud '484) in view of Steitle (Steitle '700). The disclosure of Abboud '484 is inapplicable to the present claims because Abound does not show, teach or disclose, or make any distinction between, a first server intended to receive communications first, i.e. prior to other servers or nodes in the network, commonly referred to as a gateway, edge, or VPN router, such as the firewall router discussed at paragraph [0016].

Further, Abboud '484 requires four partitions on a mass storage device (disk drive) as recognized by the relevant operating system ([0033]). Abound is directed to the problem of reprovisioning a server based on the partition structure by replacing the partition including the second application for replacement, as disclosed at [0035]. Thus, abound teaches replacement (overwriting) of a first application in a partition with a second application, irrespective of the server's position in the network. Abound therefore teaches reloading multiple servers of the same type (i.e. with the same partition structure) with a different application by reloading one of the partitions. Abboud '484 does not show, teach, or disclose, alone or in combination, a first or gateway server in conjunction with a second server of an arbitrary type as recited in claim 1. Accordingly, Claim 1 has been herein amended to recite that the first server and the second server are of a different type and operable to support dissimilar operations, as discussed at paragraph 21, to further clarify and distinguish claim 1. Claim 37 has been further added to clarify this distinction, as discussed at paragraph [0023]

Claim 20, reciting similar subject matter, has been further amended to recite a second server deeper in the network from the first server. Accordingly, claim 20 is distinguishable from Abboud '484 because Abboud does not show teach or disclose a first server and a second server, such that the second server is deeper in the network by reciting that the second server is accessible via the

first server, as in the case of a firewall or gateway router. Claim 25, rejected on similar grounds, has been likewise amended. Claim 38 has been herein added to clarify the cohesive nature of the resulting deployed images, as discussed at paragraph 0025.

The Office Action suggests that Steitle '700 teaches a network of servers. Steitle, however, teaches a method of remote deployment between two servers. Steitle includes facilities for repeating the remote deployment multiple times, as discussed at paragraph [0013] and [0014]. Steitle, however, does not show, teach, or disclose a first server and a second server of dissimilar types, as recited in claim 1. Further, Steitle does not disclose concurrently deploying the respective generated images on the respective nodes, as recited in new claim 39.

Accordingly, one of ordinary skill in the art would not look to Steitle '700 to modify Abound 484 because Steitle '700 merely teaches remote configuration of a first server from a second server, while Abound 484 requires overwriting corresponding partitions on the deployed nodes. Therefore, the combination would be inoperable because Steitle does not perform or require overwriting (deployment) of corresponding partitions on the deployed servers (nodes), as discussed above.

Further, even if one were to attempt the above combination, the present invention would still not be realized because there is no showing, teaching or disclosure of the claimed determination of server types and concurrent deployment of servers of dissimilar types, as discussed at paragraph [0021].

As the remaining claims depend from claims 1, 20 and 25, which by the foregoing are deemed allowable, it is respectfully submitted that all claims now in the case are allowable.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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